



Exempt Action Final Regulation Agency Background Document

Agency name	Board of Towing and Recovery Operators
Virginia Administrative Code (VAC) citation	24VAC27-30
Regulation title	Regulations Governing the Practice of Towing and Recovery Operators
Action title	Amendments to reflect Chapter 806 (2009 Acts of Assembly)
Final agency action date	11 June 2009
Document preparation date	12 March 2010

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The General Regulations cover credentialing and operational requirements established by the Board of Towing and Recovery Operators (the Board). The summary of major changes to these regulations, including the rationale behind them, are as follows:

- Allow tow truck drivers to tow a vehicle from an origin in the Commonwealth to a destination in another state without a driver authorization document while requiring those who tow within the Commonwealth (pick up and drop off vehicles in Virginia) to have Board-issued credentials. This change ensures the Board is regulating towing in Virginia and not interfering with existing practices in other states.
- Allows the Board to reprimand a licensee, or revoke or suspend their license if they fail to display at the licensed operator's principal office in a conspicuous place a listing of all towing, recovery, and processing fees or fail to have readily available, at the customer's

request, the maximum fees normally charged by the licensed operator for basic services for towing and initial hookup of vehicles. This change removes the language that limits these requirements to towers of vehicles of 26,000 pounds gross vehicle weight or less so that it applies to all towing and recovery operators.

- Removes any references to public safety towing regulation by the Board, consistent with the statutory requirement for same.
- Allows those towers who have a gross annual income of less than \$10,000 derived from the performance of towing and recovery services to refuse to accept credit cards, but requires them to accept personal checks in lieu of credit cards. This change provides a payment alternative for towing and recovery operators whose work volume might not warrant the use of a credit card machine.
- Allows the Board to reprimand a licensee, or revoke or suspend their license if they willfully invoice for payment any services not stipulated in a contract with a locality whether or not the locality has a local Towing Advisory Board established by law. This change removes the requirement that the locality have a Towing Advisory Board, allowing this provision to apply to all jurisdictions.
- Removes requirement that a tow truck driver indicate that he is employed or engaged to be employed by a licensed operator. This change allows for qualified tow truck drivers to more freely obtain a driver authorization document and not have issuance contingent on employment with a towing and recovery operator.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The Board of Towing and Recovery Operators voted to amend its General Regulations on June 11, 2009, and authorized the Executive Director to take the appropriate actions necessary to finalize them.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

These regulations have no assessable impact on the family and family stability.